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FACSIMILE TRANSMISSION

Date: November 9, 2001

Time: 4:22 PM

TO: James Burtie
FAX NO.: 202-418-1918
FROM: Len Kolksey

There are 12 pages including this cover sheet. If this facsimile is either incomplete or illegible, please call (202) 828-9472 as soon as possible.

COMMENTS:

CONFIRMATION COPY TO FOLLOW:

Yes ☐

No ☐

THIS TRANSMISSION IS INTENDED FOR THE ADDRESSEE ONLY AND MAY BE PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF WE HAVE MISTAKENLY SENT THIS TRANSMISSION TO YOU, PLEASE NOTIFY THE SENDER BY TELEPHONE IMMEDIATELY SO THAT WE CAN ARRANGE TO HAVE IT RETURNED TO US. THANK YOU.

LUKAS, NACE, GUTIERREZ & SACHS

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November 9, 2001

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WRITER'S DIRECT DIAL

Mr. James Burtie
Chief, Experimental Branch
Office of Engineering and Technology
Federal Communications Commission
445 Twelfth Street, N.W.
Washington, D.C. 20554

Dear Mr. Burtie:

Pursuant to our conversation earlier this week, I am attaching a modified Form 422 on behalf of ArrayComm, Inc. which is seeking to modify its existing Experimental authorization from San Diego to the San Jose area. There are other modifications as well which are identified in the application and the accompanying Exhibit.

The sequence of events which has caused ArrayComm to pursue this course of action are as follows:

On October 19, 2001, this law firm on behalf of ArrayComm filed a paper application with the Commission through Mellon Bank.

On October 22, 2001 we discovered that Item 4 of the application contained errors. We notified your office and were advised to wait until the application had been delivered to the Commission so that any modification could be easily coordinated with that application.

The next day we received a stamped copy of the application showing that it had cleared the Mellon Bank process and, theoretically, was on its way to Washington. We were advised that this transfer normally takes 7-10 days.

Unfortunately, the anthrax incidents took place, disrupting normal mail deliveries. In any event, as of November 8, 2001, the application is in limbo. Engineers and other technical support people of ArrayComm are in limbo as well. For reasons spelled out in

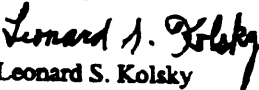
the application, further developmental work in San Diego would not be productive, but without Commission authorization they cannot proceed to undertake full-bore testing arrangements in San Jose.

Therefore, our plan with which I believe you concur, is to submit the attached Form 422. You will note that we are sending a copy to Tony Serafini as well. This attachment would, we hope, be examined as quickly as possible. Hopefully, in the meantime the original application will arrive at your office and the two documents will be joined. If, on the other hand, that application is still missing, we will refile the "corrected" Form 422 with a new signature, a new date and a new filing date. Since you would have already "processed" the application, we would hope for quick action.

In the meantime if you or Mr. Serafini have any questions, please call me at (202) 828-9464 or Randall Coleman, who is ArrayComm's Vice President, Government Relations at (202) 835-1933.

Thank you for your help. We appreciate your willingness to expedite the process.

Sincerely,


Leonard S. Kolsky

LK:ns

Enclosure

cc: Tony Serafini (w/attachment)

cc: Randall Coleman (w/attachment)

Approved by OMB
31060-0065
Expires 9/30/98

FEDERAL COMMUNICATIONS COMMISSION

FCC FORM 442

**FDR
FCC
USE
ONLY**

**APPLICATION FOR NEW OR MODIFIED RADIO STATION AUTHORIZATION UNDER PART 5
OF FCC RULES - EXPERIMENTAL RADIO SERVICE (OTHER THAN BROADCAST)**

SECTION 1			
APPLICANT NAME (Last, first, middle initial)			
ARRAYCOMM, INC.			
MAILING ADDRESS (Line 1) (Maximum 65 characters - refer to Instruction (2) on reverse of form)			
2480 N. First Street, Suite 200			
MAILING ADDRESS (Line 2) (If required) (Maximum 65 characters)			
CITY			
San Jose			
STATE OR COUNTRY (If foreign address)		ZIP CODE	CALL SIGN OR FILE NUMBER
California		95131-1014	WB2X1K
Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.			
(A)	(B)	(C)	
FEE TYPE CODE	FEE MULTIPLE (If required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	
E A E		* 50.00	

SECTION II											
To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.											
(A) FEE TYPE CODE	(B) FEE MULTIPLE (If required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)									
(2) [][] [][]	[][][][]	\$ [][][][]									
(3) [][] [][]	[][][][]	\$ [][][][]									
(4) [][] [][]	[][][][]	\$ [][][][]									
(5) [][] [][]	[][][][]	\$ [][][][]									

**ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE.
THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.**

TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FEES
\$ 50.00

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

APPROVED BY ONE
3080-0065
Expires 9/30/08

APPLICATION FOR NEW OR MODIFIED RADIO STATION AUTHORIZATION UNDER PART 5
OF FCC RULES - EXPERIMENTAL RADIO SERVICE (OTHER THAN BROADCAST)

Applicant's Name and Post Office address (Street address, city, state, and ZIP Code See instruction No. 4)		DO NOT WRITE IN THIS BLOCK File No.	
ArrayComm, Inc. 2480 N. First Street, Suite 200 San Jose, CA 95131-1014			
2. Application for (check only one box) ☐ New station ☒ Modification of existing authorization		3. For Modification indicate below: File No. 0006-EX-PL-2000 Call Sign: WB2X1K	
4. Application for Modification: Check the box beside all particulars to be modified. Check either addition or replacement to indicate whether the change is an addition or a replacement of parameters in the current authorization.			
☒ FREQUENCY - ☐ EMISSION - ☒ POWER - ☐ LOCATION -			
☐ addition or ☒ replacement? ☐ addition or ☐ replacement? ☐ addition or ☒ replacement? ☐ addition or ☒ replacement?			
☐ OTHER PARTICULARS - addition or replacement? Describe below or in attached DEDBIT No. _____)			

5. Particulars of Operation (see instruction below)

Frequency band (letter Mhz or MHz)	POWER			EMISSION	MODULATING SIGNAL	NECESSARY BANDWIDTH (kHz)
	(1)	(2)	(3)			
1910-1920 MHz (B)	63 W	1 kW ERP	Peak	D7D	1.1 Mbps	625 kHz
1910-1920 MHz (M)	1.2 W	1.2 W ERP	Peak	D7D	330 kbps	625 kHz

- (A) List each frequency or frequency band separately. (If more space is required, attach as EXHIBIT No. _____)
- (B) Insert maximum R.F. output power at the transmitter terminals. Specify units.
- (C) Insert maximum effective radiated power from the antenna (if pulsed emission, specify peak power). Specify units.
- (D) Insert "MEAN" or "PEAK" (See definitions in Part 5).
- (E) List each type of emission separately for each frequency. (See Section 2201 of FCC Rules)
- (F) Insert as appropriate for the type of modulation:
- (1) the maximum speed of keying in bauds;
- (2) maximum audio modulating frequency;
- (3) frequency deviation of carrier;
- (4) pulse duration and repetition rate.
- For complex emissions, describe in detail in the space provided below.
- (G) Describe how the necessary bandwidth was determined in space provided below.

FCC Form 442 - Page 2
March 1996

5.a) Proposed location of transmitter and transmitting antenna (check only one box to indicate type of operation):
☐ FIXED/BASE ☐ MOBILE ☒ BASE AND MOBILE

5.b) If permanently located at a FIXED location, give below:
State _____ County _____ City or Town _____
Number and street (or other indication of location) _____

5.c) If mobile, describe the exact area of operation:
A 35 mile radius of Reid-Hillview Airport - Santa Clara County

5.b)(1) Enter geographical coordinates exact to the nearest second (see instruction 10)
North Latitude DD-MM-SS _____ West Longitude DD-MM-SS _____

5.c)(1) Enter geographical coordinates of the approximate center of mobile operation (see instruction 10)
North Latitude _____ West Longitude _____
37 19 58.0 121 49 15.2

5.d) Datum (see instruction 10): ☐ NAD 27 ☒ NAD 83

6. Is a directional antenna (other than radar) used? ☐ YES ☒ NO
If "YES", give the following information:
(a) Width of beam in degrees at the half-power point _____
(b) Orientation in horizontal plane _____ (c) Orientation in vertical plane _____

7. Is this authorization to be used for fulfilling the requirement of a government contract with an agency of the United States Government? ☐ YES ☒ NO
If "YES", attach as EXHIBIT No. _____ a narrative statement describing the government project, agency and contract number.

8. Is this authorization to be used for the exclusive purpose of developing radio equipment for export to be employed by stations under the jurisdiction of a foreign government? ☐ YES ☒ NO
If "YES", attach as EXHIBIT No. _____ the following information: Provide the contract number and the name of the foreign government concerned.

9. Is this authorization to be used for providing communications essential to a research project? (The radio communication is not the objective of the research project.) ☐ YES ☒ NO
If "YES", attach as EXHIBIT No. _____ a narrative statement providing the following information:
(a) A description of the nature of the research project being conducted.
(b) A showing that the communications facilities requested are necessary for the research project involved.
(c) A showing that existing communications facilities are inadequate.

10. If all the answers to items 7, 8, and 9, are "NO", attach as EXHIBIT No. _____ a narrative statement describing in detail the following:
(a) The complete program of research and experimentation proposed including description of equipment and theory of operation.
(b) The specific objectives sought to be accomplished.
(c) How the program of experimentation has a reasonable promise of contribution to the development, extension, expansion, or utilization of the radio art, or to along line not already investigated.

10.a) Give an estimate of the length of time that will be required to complete the program of experimentation proposed in this application: 2 years
(b) If less than 2 years, give the length of time in months that the authorization requested in this application will be required: _____

11. Would a Commission grant of this application come within Section 11807 of the FCC Rules, such that it may have a significant environmental impact (see instruction 11)? ☐ YES ☒ NO
If "YES", attach as EXHIBIT No. _____ an Environmental Assessment as required by Section 11811.

12. List below transmitting equipment to be installed (if experimental, so state):

MANUFACTURER	MODEL NUMBER	NO. OF UNITS
ArrayComm	Experimental Base Station	50
ArrayComm	Experimental Modem	3000

10. Is the equipment listed in Item 10 capable of station identification pursuant to Section 97.307? ☐ YES ☒ NO
See Exhibit 1

11. Will the antenna extend more than 6 meters above the ground, or if mounted on an existing building, will it extend more than 6 meters above the building, or will the proposed antenna be mounted on an existing structure other than a building? ☐ YES ☒ NO
If "YES", give the following (see instruction 8):
(a) Overall height above ground to tip of antenna is _____ meters.
(b) Elevation of ground at antenna site above mean sea level is _____ meters.
(c) Distance to nearest aircraft landing area is _____ kilometers.
(d) List any natural formations of existing man-made structures (hills, trees, water tanks, towers, etc) which, in the opinion of the applicant, would tend to shield the antenna from aircraft and thereby minimize the aeronautical hazard of the antenna.

(a) Submit as EXHIBIT No. _____ a vertical profile sketch of total structure including supporting building, if any, giving heights in meters above ground for all significant features. Clearly indicate existing portion, noting particulars of aviation obstruction lighting already available.

12. Applicant is (check only one box):
☐ INDIVIDUAL ☐ ASSOCIATION ☐ PARTNERSHIP ☒ CORPORATION
☐ OTHER (describe in space provided below)

13. Is applicant a foreign government or a representative of a foreign government? ☐ YES ☒ NO

14. Has applicant or any party to this application had any FCC station license or permit revoked or had any application for permit, license or renewal denied by this Commission? ☐ YES ☒ NO
If "YES", attach as EXHIBIT No. _____ a statement giving full details of license or permit revoked and relate circumstances.

15. Will applicant be owner and operator of the station? ☒ YES ☐ NO

16. Give name, title, and telephone number (include area code), and Internet e-mail address (if applicable) of person who can best handle inquiries pertaining to this application.
Randall Coleman, Vice President Regulatory Affairs
(202) 835-1933
randall@arraycomm.com

17. APPLICANT ANTI-DRUG ABUSE CERTIFICATION:
By checking "YES", the individual applicant certifies that he or she is eligible for this license. This requires that he or she is not subject to a denial of federal benefits, including FCC benefits, as a result of a drug offense conviction pursuant to Section 853 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 882. A non-individual applicant, e.g., corporation, partnership or other unincorporated association, certifies that no party to the application is subject to a denial of federal benefits, pursuant to that section. For definition of a "party" for these purposes, see 47 CFR 1.2002(b). ☒ YES ☐ NO

18. List below all exhibits in numerical sequence and the item number of form requiring the exhibit identified.

EXHIBIT NUMBER	ITEM NO. OF FORM	EXHIBIT NUMBER	ITEM NO. OF FORM	EXHIBIT NUMBER	ITEM NO. OF FORM
1	2(a)(b), 3, 4,				
1 (cont.)	5, 7-11, 23				

3) CERTIFICATION:

Attention: Read this certification carefully before signing this application.

THE APPLICANT CERTIFIES THAT:

- (a) Copies of FCC Rule Parts 2 and 5 are on hand; and
- (b) Adequate financial appropriations have been made to carry on the program of experimentation which will be conducted by qualified personnel; and
- (c) All operations will be on an experimental basis in accordance with Part 5 and other applicable rules and will be conducted in such a manner and at such a time as to preclude harmful interference to any authorized station; and
- (d) Grant of the authorization requested herein will not be construed as a finding on the part of the Commission:
 - (1) that the frequencies and other technical parameters specified in the authorization are the best suited for the proposed program of experimentation, and
 - (2) that the applicant will be authorized to operate on any basis other than experimental, and
 - (3) that the Commission is obligated by the results of the experimental program to make provision in its rules including its table of frequency allocations for applicant's type of operation on a regularly licensed basis

APPLICANT CERTIFIES FURTHER THAT:

- (e) All the statements in the application and attached exhibits are true, complete and correct to the best of the applicant's knowledge; and
- (f) The applicant is willing to finance and conduct the experimental program with full knowledge and understanding of the above limitations; and
- (g) The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the USA.

Signed and dated this _____ day of November, 2001

Name of Applicant ArrayComm, Inc.

(must correspond with name given on page 1)

By Bradley Holmes

(print)

(signature)

Title Senior Vice President

Check appropriate classification:

- ☐ Individual applicant ☐ Member of applicant partnership
☒ Authorized employee ☐ Office of applicant corporation or association

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 512(a)(1), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

**NOTIFICATION TO INDIVIDUALS UNDER PRIVACY ACT OF 1974
AND THE PAPERWORK REDUCTION ACT OF 1980**

Information requested through this form is authorized by the Communications Act of 1934, as amended, and specified by Section 308 therein. The information will be used by Federal Communications Commission staff to determine eligibility for issuing authorizations in the use of the frequency spectrum and to effect the provisions of regulatory responsibilities rendered by the Commission by the Act. Information requested by this form will be available to the public unless otherwise requested pursuant to 47 CFR 0.469 of the FCC Rules and Regulations. Your response is required to obtain this authorization.

Public reporting burden for this collection of information is estimated to average four (4) hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0066), Washington, DC 20554. DO NOT send completed applications to this address. Individuals are not required to respond to this collection unless it displays a currently valid OMB control number.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552(a)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-341, DECEMBER 11, 1980, 44 U.S.C. 3507.

EXHIBIT 1

OVERVIEW

1. Company Background

ArrayComm, Inc., is the world leader in adaptive signal processing technology--smart antennas--for personal communications. The company is led by Martin Cooper, the inventor of the first portable cellular telephone while he was a corporate executive at Motorola. Among ArrayComm's team of 228 employees, are highly-skilled research scientists and software and hardware development engineers. 145 hold advanced degrees, including 42 PhDs. ArrayComm's IntelliCell product is deployed in the Personal HandyPhone System (PHS) in Japan, China and Taiwan and also in wireless local loop systems in the Philippines, China, the United Arab Emirates, Malaysia and Ethiopia. ArrayComm has more than 80 pending or issued US patents, and more than 80 foreign patent counterparts.

2. Reasons for Modifications

As indicated in Items 2(a) and 3 of this application, ArrayComm is requesting modification of WB2XIK in three respects: FREQUENCY (from 2300-2305 MHz to 1910-1920 MHz); POWER (from 50 W base and 1.3 W mobile to that permitted in Section 24.232 of the PCS Rules) and LOCATION (from the San Diego, California, area to an area around San Jose, California, the location of ArrayComm's headquarters, that would include parts of Santa Clara and San Mateo Counties.)

San Diego had been selected as the site for experimentation, including a market trial, particularly at the behest of one of ArrayComm's *i-BURST* investors. It was and is crucial to proceed in a manner that is responsive to both existing and prospective investors. Investor support is predicated on two criteria: 1) They must be convinced that the *i-BURST* technology is sound, that the system will perform as promised, and 2) Perhaps even more important in today's "bearish" climate, they need evidence that the system is economically sound, that at realistic price levels, it will attract and retain customers. BOTH criteria, in the view of our investors can be tested in a more cost-effective manner in San Jose, and in fact would be enhanced in San Jose vs San Diego.

One other drawback to San Diego was its limited number of available spectrum alternatives. The 2300-2305 MHz band emerged as the best available alternative in San Diego, although the presence of adjacent and co-channel users limited power to levels below what ArrayComm would have preferred.

Over the past year plus, ArrayComm has done substantial work both on site and at its plant in San Jose. The additional costs associated with San Diego, particularly the necessity of having our San Jose personnel spend substantial time in San Diego, were greater than anticipated. During this same time, we have seen a global slow-down in the telecommunications and wireless industry; confining our operations to a single location, where

the close proximity of engineering and field support exists can only lead to a more cost effective operation

Our broader community of investors, which includes potential operators, have requested a sole location where they could site their own staff to conduct both the technical and business aspects of their assessment of ArrayComm's progress and milestones. Further, while there was high interest in a market trial, location was not a high priority. In fact, Silicon Valley is a more natural location, because of its concentration of Internet users and developers.

Thus, there are two major reasons for this request: cost reduction by locating closer to corporate headquarters and more felicitous operating conditions away from San Diego with its coastal and border problems, leading to a consequent lack of spectrum choices.

In looking at spectrum alternatives in San Jose we looked first at the 1895-1910 MHz PCS spectrum. In the San Jose area this band is licensed to Metro PCS. Unfortunately, Metro PCS asserted that it has an aggressive build-out schedule in the San Francisco area and refused to consent to ArrayComm's market test proposal. While we believe that ground rules could have been developed that would not have interfered with Metro PCS's operations, the rules require consent of the licensee and we have been unable to obtain it.

However, the 1910-1920 MHz band appears to be an excellent "fit" for ArrayComm's experiment, especially at this time. This 10 megahertz is part of a 20 megahertz "guardband" (1910-1930 MHz) for PCS. The 1910-1930 MHz band was allocated for Unlicensed PCS operations (UPCS). It was subdivided into two 10 MHz segments, the bottom 10 MHz for asynchronous use (data), the top 10 MHz for isochronous use (voice). The initial plan was to clear out and relocate existing microwave users and allow UPCS systems to transition in. In fact, the Commission's records show only four fixed systems in California operating in the 1910-1920 MHz band. None of these systems is located in or even near San Jose. The California systems are:

Call Sign	Licensee	Area
KMM 26	San Diego Gas and Electric Company	San Diego, CA
WAV72	County of Contra Costa	Marinez, CA
WNEW669	County of San Luis Obispo	San Luis Obispo, CA
WNEW671	County of San Luis Obispo	San Luis Obispo, CA

Whatever the verdict may be about the ultimate success of UPCS operations at 1920-1930 MHz (the Commission's recent Further Notice of Proposed Rule Making in Docket 00-258 raises the issue as to whether this entire band might be better used for other purposes), the 1910-1920 MHz portion has attracted neither users nor manufacturers willing to seek equipment authorizations. As a result there have been various proposals to change the permissible use of this band; to extend 1920-1930 MHz voice usage to 1910 MHz, as well as

the Commission's suggestion in the above referenced rule making that the band might be suitable for TDD operations.

Please refer, below, to the part of this Exhibit entitled "Scope of Experiment, Technical Details, Limited Marketing Trial" for ArrayComm's showing that its experimental operation at 1910-1920 MHz will furnish essential technical data on the impact, if any, to adjacent channel operations.

3. NOTES RE: ITEM 4 OF THE APPLICATION

Item 4 entitled "Particulars of Operation" is hereby supplemented with the following information:

1) The system employs a channel raster with 625 kHz spacing. A base station may operate with as many as 16 contiguous carriers at a time. Mobiles operate on one carrier at a time.

2) This is a smart antenna system with wideband (multicarrier) power amplifiers. The "Base" value in column B of the Table is the incoherent sum of the power from each amplifier, assuming full power operation and an antenna array with 10 elements.

3) With reference to G of the Table, the system employs a 500k Symbol/s symbol rate and a root-raised cosine filter with 25% excess bandwidth, leading to the 625 kHz bandwidth.

4. SCOPE OF EXPERIMENT, TECHNICAL DETAILS, LIMITED MARKETING TRIAL (ITEM 10 of the Application)

A. OBJECTIVES (Technical)

The primary technical objective of this experiment is to complete the development and optimization of the i-BURST technology. This can only be accomplished in a significant real world setting. Protocol optimization in various fading environments and under various loading conditions will enhance and confirm the robustness of the i-BURST technology.

The experiment will also enable ArrayComm to verify theoretical capacity calculations and coverage reliabilities. The engineering data obtained and the feedback from the participants in the experiment will demonstrate the i-BURST capabilities to potential investors, carriers and OEM manufacturers. The substantial investment required to bring the i-BURST technology to commercial readiness requires this experiment to demonstrate its capabilities.

Of additional importance, testing and trials at 1910-1920 MHz should provide valuable information to the Commission regarding the impact of TDD systems on adjacent users. ArrayComm will not occupy the entire 10 MHz at any one time during its technical testing or during the market trial. It will, therefore, be able to ascertain whether guard bands are needed to protect adjacent channel licensees, and, if so, how wide these bands should be. And if Metro PCS, has, in fact, an operational system during the trial period, ArrayComm can experiment,

if the need arises, with guard bands of varying size to determine how to resolve any interference to PCS.

On the 1920-1930 MHz side, useful information will also be obtained, although the fact that users of that band are unlicensed complicates the task. Again, however, it may be possible to assess the impact on those systems and ascertain whether guard bands could alleviate or resolve any interference. It certainly will enable ArrayComm to avoid any interference to fixed service licensees in that band which it is obligated to do under the terms of an experimental authorization.)

B. OBJECTIVES (Economic)

(In its application for an experimental license [including a market trial] in San Diego, ArrayComm made an extensive showing including an economic justification for a 3000 unit market trial. Since that material is equally pertinent to this application, we ask that it be incorporated herein by reference.)

In particular, the showing that ArrayComm made to justify a 3000 unit market trial with paying customers in San Diego (See pages 6-8 of its Exhibit) provides the reasons and rationale that ArrayComm believes is also applicable for the San Jose area. Simply put, a successful market trial of the i-BURST system will substantially increase the likelihood that i-BURST will be a reality.

ArrayComm wishes to repeat the major commitments made in conjunction with San Diego. ArrayComm will own all the transmitting and receiving equipment used in the experiment, including the market trial. All participants will be informed in writing that service is being provided under an Experimental authorization and is temporary. Further, they will be informed that the FCC may order that service be terminated at any time.

Finally, ArrayComm wishes to assure the Commission that it is aware that its authorization will be of limited duration and will not be extended beyond the license term without express Commission approval.

FAA, Environment and Station Identification Requirements (Items 12, 14 and 15). Our responses are the same as was submitted for San Diego; see page 3 of our Exhibit for San Diego.